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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,988

07/17/2003

Yaron Keidar

50161/AW/W112

2062

23363 7590 09/23/2008
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EXAMINER

PEFFLEY, MICHAEL F

ART UNIT

PAPER NUMBER

3739

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,988	Applicant(s) KEIDAR, YARON	
	Examiner Michael Peffley	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 15 and 17-48 is/are pending in the application.
- 4a) Of the above claim(s) 17-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15 and 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 30, 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 depends from claim 13, which has been canceled. Also, claim 15 fails to provide antecedent basis for any elements in the claim because of the subject matter that has been removed from claim 1 and further because of the cancellation of claim 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandrasekaran et al (6,394,956) in view of the teachings of Panescu (2003/0078509) and Fung et al (6,120,476).

Chandrasekaran et al disclose a catheter comprising an elongate catheter body (32) having an irrigation lumen therethrough (see col. 3, lines 25-31). There is also a tip electrode (38) upon which an ultrasound transducer (34) is mounted. The transducer has a front surface and back surface and transmits ultrasound energy toward tissue facing the front surface (see Figure 1). Chandrasekaran et al fail to disclose the irrigation passages in the electrode body, and fail to teach of a sensor mounted on the catheter to determine a location and orientation of the catheter tip.

Panescu, as addressed in the previous Office actions, disclose a catheter device for treating tissue and specifically teach that it is advantageous to provide the catheter with a sensor means for locating and orienting the catheter at a tissue site. See paragraph [0103-0104].

With regard to the irrigation passages, Fung et al disclose a similar RF ablation catheter for treating tissue in the presence of a fluid. Fung et al specifically provide an infusion tube (34) that is in communication with a plurality of passages (48) located in the electrode tip to provide increased irrigation at the electrode site.

The particular size of the transducer and the spacing/location of the sensing device are deemed to be an obvious design consideration for one of ordinary skill in the art. Applicant's specification fails to provide any criticality or unexpected result associated with the specific dimensions and spacing, and one of ordinary skill in the art

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would clearly recognize the various sizes and locations that could advantageously be employed in the operation of the device.

In as much as Chandrasekaran et al disclose the advantages of providing irrigation at the tip, it would have been an obvious design consideration for one of ordinary skill in the art to have provided a plurality of irrigation passages in the electrode tip to increase irrigation at the tissue site, particularly since Fung et al teach of such an irrigated electrode structure. To have further provided the Chandrasekaran et al catheter with a sensor to accurately locate and orient the device at the tissue site would have been an obvious modification for the skilled artisan in view of the teaching of Panescu.

Claims 15 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandrasekaran et al ('956), Panescu ('509) and Fung et al ('476) as applied to claim 1 above, and further in view of the teaching of Webster, Jr. (5,827,278).

Chandrasekaran et al fail to disclose the particular deflection mechanism for controlling the steering of the catheter tip member. The examiner maintains that the use of steering wires to control catheter deflection is generally well-known in the art.

Webster, Jr. has been addressed in previous Office actions, and specifically teaches a steering mechanism comprising a deflection wire (30) extending through the catheter body and being anchored in an off-axis position (Figure 6). Locating the steering wire at an desired off-axis position to control the steering as desired is deemed to be an obvious design choice for the skilled artisan.

To have provided the Chandrasekaran et al catheter, as modified by the teachings of Panescu and Fung et al, with a steering mechanism as taught by Webster, Jr. to control the deflection and location of the catheter tip for treating tissue is deemed an obvious modification for one of ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webster, Jr. (6,171,275) and Brucker et al (5,462,521) disclose alternative irrigation electrode tips that provide passages for enhanced delivery of an irrigation fluid to the tip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner, Art Unit 3739

/mp/
September 18, 2008